

111TH CONGRESS
1ST SESSION

S. 736

To provide for improvements in the Federal hiring process, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2009

Mr. AKAKA (for himself and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for improvements in the Federal hiring process,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Hiring Process
5 Improvement Act of 2009”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “agency”—

8 (1) means an Executive agency as defined
9 under section 105 of title 5, United States Code;
10 and

1 (2) shall not include the Government Account-
2 ability Office.

3 **SEC. 3. STRATEGIC WORKFORCE PLAN.**

4 (a) IN GENERAL.—

5 (1) DEVELOPMENT OF PLAN.—Not later than
6 180 days after the date of enactment of this Act and
7 in every subsequent year, the head of each agency,
8 in consultation with the Chief Human Capital Offi-
9 cers Council, shall develop a strategic workforce plan
10 as part of the agency performance plan required
11 under section 1115 of title 31, United States Code,
12 to include—

13 (A) hiring projections, including occupation
14 and grade level;

15 (B) long-term and short-term strategic
16 human capital planning to address critical skills
17 deficiencies;

18 (C) recruitment strategies to attract highly
19 qualified candidates from diverse backgrounds;
20 and

21 (D) streamlining the hiring process to con-
22 form with the provisions in this Act.

23 (2) INCLUSION IN PERFORMANCE PLAN.—Sec-
24 tion 1115(a) of title 31, United States Code, is
25 amended—

1 (A) in paragraph (5), by striking “and”
2 after the semicolon;

3 (B) in paragraph (6), by striking the pe-
4 riod and inserting “and”; and

5 (C) by adding at the end the following:

6 “(7) include the strategic workforce plan devel-
7 oped under section 3 of the Federal Hiring Process
8 Improvement Act of 2009.”.

9 (b) **HIRING PROJECTIONS.**—Agencies shall make hir-
10 ing projections made under strategic workforce plans
11 available to the public.

12 (c) **SUBMISSION TO THE OFFICE OF PERSONNEL**
13 **MANAGEMENT.**—Each agency strategic workforce plan
14 shall be submitted to the Office of Personnel Management.

15 **SEC. 4. FEDERAL JOB VACANCY ANNOUNCEMENTS.**

16 (a) **TARGETED ANNOUNCEMENTS.**—In consultation
17 with the Chief Human Capital Officers Council, the head
18 of each agency shall—

19 (1) take steps necessary to target highly quali-
20 fied applicant pools with diverse backgrounds before
21 posting job announcements;

22 (2) clearly and prominently display job an-
23 nouncements in strategic locations convenient to
24 such targeted applicant pools; and

1 (3) seek to develop relationships with targeted
 2 applicant pools to develop regular pipelines for high-
 3 quality applicants.

4 (b) PUBLIC NOTICE REQUIREMENTS.—The require-
 5 ments of subsection (a) shall not supersede public notice
 6 requirements.

7 (c) PLAIN WRITING REQUIREMENT.—

8 (1) DEFINITION.—In this subsection, the term
 9 “plain writing” means writing that the intended au-
 10 dience can readily understand and use because that
 11 writing is clear, concise, well-organized, and follows
 12 other best practices of plain writing.

13 (2) REQUIREMENT.—Not later than 180 days
 14 after the date of enactment of this Act, all Federal
 15 job announcements for competitive positions shall be
 16 written in plain writing.

17 **SEC. 5. APPLICATION PROCESS AND NOTIFICATION RE-**
 18 **QUIREMENTS.**

19 (a) APPLICATION PROCESS.—Not later than 180
 20 days after the date of enactment of this Act and in con-
 21 sultation with the Chief Human Capital Officers Council,
 22 the head of each agency shall develop processes to—

23 (1) ensure that vacancy announcements are
 24 open for a reasonable period of time as determined
 25 by the head of the agency to allow targeted, highly

1 qualified applicants from diverse backgrounds time
2 to submit an application;

3 (2) ensure that vacancy announcements include
4 contact information for applicants who seek further
5 information about the announcement;

6 (3) review and revise the hiring process of the
7 agency to create a streamlined and timely system for
8 hiring decisions;

9 (4) allow applicants to submit a cover letter, re-
10 sume, and answers to brief questions, such as ques-
11 tions relating to United States citizenship and vet-
12 erans status, to complete an application;

13 (5) allow applicants to submit application mate-
14 rials in a variety of formats, including word proc-
15 essing documents and portable document format;

16 (6) not require any applicant to provide a So-
17 cial Security number or any other personal identi-
18 fying information unnecessary for the initial review
19 of an applicant for a position;

20 (7) not require lengthy writing requirements
21 such as knowledge, skills, and ability essays as part
22 of an initial application;

23 (8) not require the submission of additional ma-
24 terial in support of an application, such as edu-
25 cational transcript, proof of veterans status, and

1 professional certifications, unless necessary to com-
 2 plete the application process;

3 (9) ensure that applicants are given a reason-
 4 able amount of time after the closing date of the job
 5 announcement to provide additional necessary infor-
 6 mation; and

7 (10) include the hiring manager in all parts of
 8 the application process, including—

9 (A) targeted recruitment;

10 (B) drafting the job announcement;

11 (C) review of the initial applications;

12 (D) interviewing the applicants; and

13 (E) the final decisionmaking process.

14 (b) NOTIFICATION REQUIREMENTS.—

15 (1) IN GENERAL.—In consultation with the
 16 Chief Human Capital Officers Council, the head of
 17 each agency shall develop mechanisms under which
 18 each applicant for a Federal job vacancy shall re-
 19 ceive timely notification of the status of their appli-
 20 cations or provide the applicant the ability to check
 21 on the status of their applications.

22 (2) CONTENTS OF NOTIFICATION.—A notifica-
 23 tion to an applicant under this subsection shall in-
 24 clude—

1 (A) notice of receipt of an application not
2 later than 5 business days after the application
3 was received by the employing agency;

4 (B) an explanation of the hiring process
5 and an estimated timeline of the next actions in
6 the process;

7 (C) notice the qualification and status of
8 an applicant after all applications for the appli-
9 cable position have been initially reviewed and
10 ranked;

11 (D) notice of the qualifications and status
12 of the applicant after all interviews for the ap-
13 plicable position are completed;

14 (E) for all applicants selected for an inter-
15 view, notice of the ongoing process if selected,
16 including the process for any needed security
17 clearance or suitability review, not later than
18 the date of the interview; and

19 (F) notice to nonaccepted applicants that
20 the applicable position is not open not later
21 than 10 business days after the date on
22 which—

23 (i) the selected candidate has accepted
24 an offer of employment; or

1 (ii) the job announcement has been
2 cancelled.

3 **SEC. 6. APPLICANT INVENTORY.**

4 (a) IN GENERAL.—Section 3330 of title 5, United
5 States Code, is amended—

6 (1) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively; and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e)(1) The Office of Personnel Management shall es-
11 tablish and keep current a comprehensive inventory of in-
12 dividuals seeking employment in the Federal Government.

13 “(2) The inventory under this subsection shall—

14 “(A) be made available to agencies for use in
15 filling vacancies;

16 “(B) contain information voluntarily provided
17 by applicants for employment, including—

18 “(i) the resume and contact information
19 provided by the applicant; and

20 “(ii) any other information which the Of-
21 fice considers appropriate;

22 “(C) retain information for no longer than 1
23 calendar year;

24 “(D) not include information relating to—

1 “(i) the application of the applicant for a
 2 specific vacancy announcement; or

3 “(ii) any other information relating to va-
 4 cancy announcements; and

5 “(E) shall provide for a mechanism to allow—

6 “(i) applicants to update resume contact
 7 information; and

8 “(ii) agency officials to search information
 9 in the inventory by agency and job classifica-
 10 tion.”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall take effect 180 days after the date
 13 of enactment of this Act.

14 **SEC. 7. TRAINING.**

15 Not later than 120 days after the date of enactment
 16 of this Act—

17 (1) in consultation with the Chief Human Cap-
 18 ital Officers Council, the Office of Personnel Man-
 19 agement shall develop and notify agencies of a train-
 20 ing program for human resources professionals to
 21 implement the requirements of this Act; and

22 (2) each agency shall develop and submit to the
 23 Office of Personnel Management a plan to imple-
 24 ment the training program.

1 **SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROC-**
2 **ESS.**

3 (a) AGENCY PLANS.—In consultation with the Chief
4 Human Capital Officers Council, the head of each agency
5 shall develop a plan to reduce the length of the hiring
6 process.

7 (b) REQUIREMENTS.—To the extent practical, the
8 plan shall require that each agency fill identified vacancies
9 not later than an average of 80 calendar days after the
10 date of identification of the vacancy.

11 (c) REPORTS.—Each agency shall submit an annual
12 report to Congress on the period of time required to fill
13 each vacancy, and whether vacancies are cancelled or re-
14 opened.

15 **SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.**

16 (a) IN GENERAL.—Each agency shall measure and
17 collect information on indicators of hiring effectiveness
18 with respect to the following:

19 (1) RECRUITING AND HIRING.—

20 (A) Ability to reach and recruit well-quali-
21 fied talent from diverse talent pools.

22 (B) Use and impact of special hiring au-
23 thorities and flexibilities to recruit most quali-
24 fied applicants.

25 (C) Use and impact of special hiring au-
26 thorities and flexibilities to recruit diverse can-

1 didates, including veteran, minority, and dis-
2 abled candidates.

3 (D) The age, educational level, and source
4 of applicants.

5 (E) Length of time between the time a po-
6 sition is advertised and the time a first offer of
7 employment is made.

8 (F) Length of time between the time a
9 first offer of employment for a position is made
10 and the time a new hire starts in that position.

11 (G) Number of internal and external appli-
12 cants for Federal positions.

13 (2) HIRING MANAGER ASSESSMENT.—

14 (A) Manager satisfaction with the quality
15 of new hires.

16 (B) Manager satisfaction with the match
17 between the skills of newly hired individuals
18 and the needs of the agency.

19 (C) Manager satisfaction with the hiring
20 process and hiring outcomes.

21 (D) Mission-critical deficiencies closed by
22 new hires and the connection between mission-
23 critical deficiencies and annual agency perform-
24 ance.

1 (3) APPLICANT ASSESSMENT.—Applicant satis-
2 faction with the hiring process (including clarity of
3 job announcement, reasons for withdrawal of appli-
4 cation should that apply, user-friendliness of the ap-
5 plication process, communication regarding status of
6 application, and timeliness of hiring decision).

7 (4) NEW HIRE ASSESSMENT.—

8 (A) New hire satisfaction with the hiring
9 process (including clarity of job announcement,
10 user-friendliness of the application process,
11 communication regarding status of application,
12 and timeliness of hiring decision).

13 (B) Satisfaction with the onboarding expe-
14 rience (including timeliness of onboarding after
15 the hiring decision, welcoming and orientation
16 processes, and being provided with timely and
17 useful new employee information and assist-
18 ance).

19 (C) New hire attrition.

20 (D) Investment in training and develop-
21 ment for employees during their first year of
22 employment.

23 (E) Other indicators and measures as re-
24 quired by the Office of Personnel Management.

25 (b) REPORTS.—

1 (1) IN GENERAL.—Each agency shall submit an
2 annual report of the information collected under
3 subsection (a) to the Office of Personnel Manage-
4 ment.

5 (2) AVAILABILITY OF RECRUITING AND HIRING
6 INFORMATION.—Each year the Office of Personnel
7 Management shall provide the information under
8 subsection (c)(1) in a consistent format to allow for
9 a comparison of hiring effectiveness and experience
10 across demographic groups and agencies to—

11 (A) Congress before that information is
12 made publicly available; and

13 (B) the public on the website of the Office.

14 (c) REGULATIONS.—Not later than 180 days of the
15 date of enactment of this Act, the Office of Personnel
16 Management shall prescribe regulations directing the
17 methodology, timing, and reporting of the data described
18 in subsection (a).

19 **SEC. 10. REGULATIONS.**

20 (a) IN GENERAL.—Except as provided under section
21 9(c), not later than 120 days after the date of enactment
22 of this Act, the Director of the Office of Personnel Man-
23 agement shall prescribe regulations as necessary to carry
24 out this Act.

1 (b) CONSULTATION.—The Director of the Office of
2 Personnel Management shall consult the Chief Human
3 Capital Officers Council in the development of regulations
4 under this section.

5 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary for the Office of Personnel Manage-
8 ment to carry out this Act for fiscal year 2009 and for
9 each subsequent fiscal year.

○